



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: MONDAY, 31 JANUARY 2022 at 9:30 am

P R E S E N T:

Councillor Byrne (Chair)

Councillor Cank

Councillor Gee

* * * * *

34. APPOINTMENT OF CHAIR

Councillor Byrne was appointed as Chair for the meeting.

35. APOLOGIES FOR ABSENCE

There were no apologies for absence.

36. DECLARATIONS OF INTEREST

Members were asked to declare any pecuniary interests they may have in the business on the agenda.

There were no declarations of interest.

37. MINUTES OF PREVIOUS MEETING

AGREED:

That the minutes of the meeting held on the 4th January 2022 be confirmed as a correct record.

38. APPLICATION FOR A NEW PREMISES LICENCE - INDIAN ROOSTER, 80 QUEENS ROAD, LEICESTER, LE2 1TU

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence, for Indian Rooster, 80 Queens Road, Leicester, LE2 1TU.

The proposed Premises Licence Holder (PLH) / Designated Premises Supervisor (DPS) Mr Vimalkumar Rana was present, accompanied by his agent Mr Anil Bhavsar, Licensing Agent. Ms Elizabeth Walton, Mr Ian Brown, representative of Clarendon Park Friends and Mr Alistair Hollis, Pollution Control Officer (Noise and Pollution Team) were present as persons who had made representations. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that the Noise Control and Pollution Team had made a representation regarding the prevention of public nuisance but had subsequently agreed two conditions with the applicant for inclusion in the Licence, should it be granted. It was further noted that 37 representations were received during the consultation period from members of the public, alongside 3 representations, from local Ward Councillors. These representations were made on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety. A recurring concern was that the hours requested by the applicant would increase noise, anti-social behaviour, litter, and parking issues in the area.

Prior to the day of the Hearing, 21 representees had withdrawn their representations following an amendment to the application by the applicant to reduce the opening hours of the premises and the for the supply of alcohol. 14 persons who had made representations had not responded to enquiries by the Licensing Team and Members were, therefore, advised to continue to treat their representations as active. A further five representees were not content with the details of the amended application and their representations remained active.

Mr Brown addressed the Sub-Committee on behalf of Clarendon Park Friends and objector Sally Williams in her absence. Mr Brown and those he represented agreed with the new hours detailed in the amended application. However, Mr Brown asked for additional conditions to be added to the Licence if granted. In addition to a condition to keep windows and doors shut (except for access and egress) when playing music, conditions were also requested to deal with concerns regarding rear access to the premises by customers, who would use the area to smoke and drink, parking congestion on the nearby residential Montague Road for customers collecting takeaway food from the premises, obstruction to the bus bay, zebra crossing and disabled parking zone in front of the premises by customers and deliveries to the premises and the disposal of waste during unsociable hours of 11pm to 8am, which would be disruptive to local resident health and wellbeing.

Ms Walton addressed the Sub-Committee with the additional concern around public safety and a potential increase in crime and disorder, should the premises sell alcohol. Further concerns were noted regarding the other nearby premises, also selling alcohol in that two premises within a close vicinity would be too disruptive to the residential area. It was noted nearby residential housing opened directly onto the street in close proximity to the premises and therefore drunken conduct would be highly disruptive to the residents. Ms Walton

believed that the area would not benefit from a second premises providing alcohol due to these concerns.

Mr Hollis confirmed that the premises was situated in a quiet residential area of Queens Road and agreed that in addition to the conditions previously agreed with the applicant, it was appropriate to impose a condition requiring windows and doors to remain shut (except for access and egress) when music was played.

Mr Rana and his Licensing agent were given the opportunity to put forward their case and address the concerns raised by the objectors and answer questions from Members and officers. They responded to the conditions requested Mr Brown.

All parties were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such, outweighed the public interest of their deliberation taking place with the parties represented present.

The Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to leave the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the application for a new premises licence at Indian Rooster, 80 Queens Road, Leicester, LE2 1TU be GRANTED subject to additional conditions.

Members of the Sub-Committee were asked to determine an application by Mr Vimalkumar Rana for a new Premises Licence.

In reaching their decision, the Sub-Committee Members had carefully considered all written and oral representations. They had also taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

Members were informed that the premises, which were in a residential area, were currently unoccupied, having previously been used as a betting shop. The intention was to create a restaurant / café / bar to be known as Indian Rooster. An application for the necessary planning permission was currently awaiting a decision. A gated rear yard at the premises was shared with neighbouring businesses. Mr Rana was to be the Designated Premises Supervisor.

Members were informed that, in the initial application, the proposed opening hours were to have been from 10am, to 30 minutes past midnight on a Sunday to Thursday, with the closing time being extended to 1.30am on a Friday and Saturday. The application at that time was for the authorisation of recorded music, late night refreshment and the supply of alcohol for consumption both on and off the premises with a finishing time for each activity at midnight on a Sunday to Thursday and 1am on a Friday and Saturday.

It was reported that representations were received in opposition to that application. The Council's Noise Control and Pollution Team had made a representation regarding the prevention of public nuisance arising from waste disposal activities at the premises, the location of the smoking area and the use of an external rear area, but two conditions were subsequently agreed with Mr Rana for inclusion in the Licence, should it be granted. Members further noted that 37 representations were received from members of the public and three representations were received from local Ward Councillors. The representations related to the prevention of crime and disorder, public safety, and the prevention of public nuisance. In a number of the representations, opposition was not against the grant of a licence. Rather, objection was taken to the hours of the application, which those who had made representation believed should match those of similar licensed premises on Queens Road.

In light of those representations, Mr Rana amended his application. Mr Rana indicated that, as a restaurateur he ran a similar establishment in the city, where no concerns or issues had been raised regarding the late opening hours, so he had not realised concerns would be raised regarding the Queens Road premises. He wanted to run the business so that members of the community felt safe and were not worried, so had arranged extra CCTV cameras to be fitted at the rear and the front of the premises. He offered to meet any community members to explain how his business would be run, should they have contacted him.

It was reported to the Sub-Committee that the proposed opening hours of the premises were now 10am to 11pm seven days a week, and Mr Rana sought authorisation to supply alcohol for consumption both on and off the premises from 10am to 10.30pm daily. He has also clarified that alcohol would only be sold with a meal purchased.

In view of the amended application, 21 of the people who had originally made representations had withdrawn their objections. Five people had confirmed that their representations remained active. The remaining 14 people had not responded to the Licensing Section to indicate whether their original representations remained active. As a result, the Hearing proceeded on the

basis that those representations remained active.

The representations related to the prevention of crime and disorder, public safety, and the prevention of public nuisance, and emphasised that the area was residential. Concerns related to crime and disorder and an increase in noise from the premises, including music, patrons, deliveries, and waste collections. It was suggested that there would be an increase in anti-social behaviour and there would be issues with littering, queuing, and parking in the area.

A resident questioned whether it was appropriate to authorise the sale of alcohol and referred to the existence of other licensed premises in the area and the increase in anti-social behaviour that was likely to occur as a result. The economic need or otherwise for licensed premises was not a matter which related to the licensing objectives which were the Sub-Committee's sole consideration. However, the representation was relevant to the extent it related to issues which were covered by the licensing objectives.

The Noise Control Officer informed the Committee that he had revisited Queens Road and he commented on the quietness of the residential area.

Mr Brown on behalf of the 'Friends of Clarendon Park' and other representers sought conditions additional to those set out at Appendix C of the Officer's Report (those being conditions already agreed by Mr Rana).

Mr Rana, through his licensing agent explained his intentions for his business and indicated his agreement to additional conditions should the licence be granted.

It was noted with regards to the prevention of crime and disorder that no representations have been received from the Police.

REASON FOR THE DECISION

Any new licensed premises was likely of necessity to bring with it an increase in noise and activity in the area. However, it was the Sub-Committee's decision, that with the additional conditions being proposed, it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety, and the prevention of public nuisance to grant the application.

The conditions detailed in Appendix C of the Officer's Report were to be added to the licence together with additional conditions as follows:

- Alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking a meal on the premises.
- All off sales of food and alcohol to be made via the front entrance on Queens Road.
- There shall be no customer access to the rear yard or the rear entrance to the premises.

- Customers shall be asked not to queue to the side or the rear of the premises.
- All doors and windows shall be kept closed, except for access and egress, when playing music.
- Postal deliveries only shall be accepted at the front of the premises. All other deliveries shall only be accepted at the rear yard of the premises.
- No deliveries, other than postal deliveries, shall be accepted at the premises between 11pm and 8am.
- All refuse shall be stored in the rear yard of the premises.
- No refuse, other than food refuse, is to be put out between 11pm and 8am.
- A Notice shall be displayed at the rear of the premises indicating that the rear yard is private property.
- There shall be a maximum number of 40 customers inside the premises at any one time.
- An external ashtray shall be in place at the front of the premises.

39. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE - BRADDERS CAFE AND BAR, 33 MARKET STREET, LEICESTER, LE1 6DN

The Director of Neighbourhood and Environmental Services submitted a report on an application for the variation of an existing premises licence for Bradders Café and Bar, 33 Market Street, Leicester, LE1 6DN.

The applicant JT Catering Services Ltd, (Premises Licence Holder (PLH)), was represented by the Designated Premises Supervisor Mr Tobias Lee Martin who was accompanied by Miss Henna Turner-Jacobs, Deputy Manager for the premises. PC Jeff Pritchard (Leicestershire Police) was present as a person who had previously submitted a representation but had since come to an agreement with the applicant to impose a condition, should the licence be granted. Mr Eloic Montagnier, Manager of The Gresham Hotel, who had also made a representation was present. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

It was noted that the Noise Control and Pollution Team had originally put forward an objection against the application but had since come to an agreement with the applicant to impose a condition, should the licence be granted. He also provided the Sub-Committee with details of the applicant's co-operation with the Police regarding incidents at the premises.

The Licencing Team Manager (Policy and Applications) presented the report and outlined the details of the application. It was noted that an objection to the application had been received on 22nd December 2021 from a local ward councillor, which related to the prevention of public nuisance. The Councillor had viewed the conditions put forward by Leicestershire Police and the Noise Control and Pollution Team and had since withdrawn their representation.

PC Jeff Pritchard was given the opportunity to address the Sub-Committee. He

verbally confirmed the withdrawal of representation against the application following discussion with the applicant and the agreement of additional imposed conditions, should the licence be granted.

Mr Montagnier was given the opportunity to address the Sub-Committee and answered questions from Members and the applicant and his representative. Concerns were raised that the longer hours applied for would attract further drunken behaviour, which would lead to further anti-social behaviour and noise in the area. He reported guests of the hotel had been disturbed. Mr. Montagnier did, however, agree that parts of The Gresham Hotel's sound insulation was lacking in combating louder sounds. Apprehensions were stressed about public and staff safety, after an incident on New Year's Eve where a member of The Gresham Hotel's staff had been threatened by a member of the public. It was noted that the noise and pollution report recorded at the time of Mr. Montagnier's two complaints about Bradders noise levels had not been unreasonable for the location and were within the legal limits. It could not be confirmed that disturbance was from customers of Bradders, but may be in part, due to footfall from King Street and other premises located on Market Street, which had a review of its licence upcoming.

Mr Martin and Miss Turner-Jacobs were given the opportunity to put forward their case to the Sub-Committee and answered any questions from Members, representatives, and the Legal Adviser to the Sub-Committee. It was noted that three incidents had been reported to the Leicestershire Police about the Bradders premises since summer 2021, with the last recorded incident on 19th October 2021 being a homophobic attack on the premises itself. The applicant and staff of the premises had supported the police in recording the incident and providing witness statements and CCTV footage.

All parties present were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to leave the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the application for a variation of an existing premises licence for Bradders Café and Bar, 33 Market Street, Leicester, LE1 6DN, be GRANTED subject to conditions.

Members of the Sub-Committee were asked to determine an application for a variation of an existing Premises Licence.

In reaching their decision, the Sub-Committee Members had carefully considered all written and oral representations. They had also taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

Members were informed that Market Street was a pedestrianised street in Leicester City Centre. The area consisted of a mix of retail and hospitality units at street level, with residential flats above on the first and second floors. Leicestershire Police indicated that there were twelve other licensed premises on Market Street, four of which were licensed to sell alcohol for consumption on the premises.

It was reported that Bradders had previously operated as a café / restaurant mainly during the day and evening economy. JT Catering Services Ltd had been incorporated on 25 February 2021 and during the summer of 2021, acquired the Premises Licence. It had begun operating the premises in the evening and night-time economy as far as permitted by the present licence terms and the use of Temporary Event Notices. The prior opening hours and hours for the playing of recorded music were unrestricted. Supply of alcohol for consumption on the premises was authorised Monday to Saturday from 10am until 11pm and on a Sunday from 12noon until 10:30pm, with the hours on Christmas Day being from 12noon until 3pm and from 7pm until 10:30pm. The licence currently had conditions requiring that alcohol be paid for before or at the time it was sold or supplied, and that alcohol should only be sold to persons taking a table meal for consumption as an ancillary to the meal.

Members were informed that although the premises still wanted to provide food, JT Catering Services Ltd sought to move away from a café / restaurant towards a 'stand-up' alcohol led premises. In its application, the opening hours requested for the premises were Monday to Wednesday 7am through to 1am, Thursday and Friday 7am through to 3am, Saturday 9am through to 3am, and Sunday 9am through to 1am. The hours for the playing of recorded music were to remain unrestricted. The supply of alcohol was to continue to be for consumption on the premises only.

JT Catering Services Ltd had requested removal of the licence conditions regarding the timing of payments for alcohol and the sale or supply being only to persons taking a meal. New hours for the supply of alcohol were requested Monday to Wednesday 11am through to 1am, Thursday to Saturday 11am through to 3am, Sunday 11am through to 1am except on a Sunday before a bank holiday when the hours would be 11am through to 3am, with the hours on

Christmas Day being from 12 noon to 10pm.

It was reported that representations were received in opposition to the application. The Police initially made a representation regarding all of the licensing objectives but had subsequently agreed conditions with the applicant for inclusion in the Licence, should it be granted. The Council's Noise Control and Pollution Team initially made a representation regarding the prevention of public nuisance, which should be recorded music, played at an unrestricted volume until 3am, but it had subsequently agreed a condition with the applicant for inclusion in the Licence should it be granted. A local Ward Councillor had also made a representation regarding public nuisance but had withdrawn it, considering the conditions agreed by the applicant with the Police and the Noise Control Team.

The Gresham Aparthotel opposite the premises made a representation which remained in place despite the proposed conditions agreed by the applicant with the Police and the Council's Noise Control Team. The representation was concerning the extended hours requested, which would add to existing problems with crime and disorder and public nuisance. The representation had indicated that on many occasions the Police had been called to deal with fights outside Bradders and other licensed premises on Market Street, following customers having had too much to drink. The representation also referred to people kicking the doors at the Aparthotel and abusing guests and staff. The representation indicated that on New Year's Eve, a member of staff was threatened with a screwdriver by a person when refused entry to the Aparthotel.

In response, the applicant informed the Sub-Committee that it took the prevention of crime and disorder very seriously. The premises shared security personnel with the Gresham Aparthotel and, on enquiry, had been informed that no incident had been recorded on New Year's Eve. The Police representative in attendance at the hearing confirmed that the Police did not have a record of the incident being reported.

In considering this aspect, Members had been assisted in their consideration of the written information provided by the Police: *"... a high concentration of licensed premises within a relatively small geographical area, does occasionally result in crime, disorder and anti-social behaviour. More so at weekends and between the hours of 1am and 6am. Alcohol related violent crime increases significantly in the early hours of the morning, given the greater length of time that consumers have had time to consume alcohol. Market Street, with its high concentration of licensed premises supplying alcohol until the early hours of the morning, is an area of concern for Leicestershire Police when providing policing in the night-time economy. However, every application must be considered on its own merits." ... "Leicestershire Police are nervous about the proposed removal of the existing conditions and extended operating hours, as this could have a negative impact upon the area and result in an increase in a crime, disorder and anti-social behaviour either at or within proximity to the premises. However, Leicestershire Police believe that with the inclusion of additional conditions/measures are likely to mitigate the risk.*

Leicestershire Police believe that the inclusion of these additional measures would mitigate the above-mentioned risk and promote all four of the licensing objectives.”

The Police representative confirmed the view at the hearing and indicated that three incidents had been reported to the Police by the applicant over a short period following the applicant taking over the premises. In relation to those incidents, the applicant had co-operated fully with the Police. The premises provided witness statements and made CCTV footage available, with no attempts at concealment. Upon questioning by the applicant, the Police confirmed that the last incident reported on 19 October 2011 was a homophobic attack on the premises, as opposed to an incident generated from the premises.

Regarding the prevention of public nuisance, the written Gresham Aparthotel representation had indicated that the music level coming from Bradders was already hugely disturbing to guests at the Aparthotel and extended hours would lead to more complaints especially in summertime when Bradders would leave its front door wide open. In considering this aspect, the Sub-Committee had been assisted in their consideration of the written information provided by the Council’s Noise Control and Pollution Team who indicated that the premises had previously operated until 3am under a Temporary Event Notice when it caused a noise nuisance to flats above an adjacent premises. The noise nuisance was witnessed by the Noise Team, following which, the DPS installed a sound limiting device, subsequent to which the premises had again operated until 3am without causing a noise nuisance to occupiers of the flats. The Noise Team had received complaints about noise on Market Street affecting residents of the Gresham Aparthotel and indicated: *“The source at the time may have been either Bradders or the adjacent bar. Initial investigations suggest that the acoustic insulation scheme for the hotel may not meet the agreed specification to prevent a noise nuisance from these bars, and that at the time of the complaint the noise levels from the bars was not unreasonable for the location.”*

When invited to clarify the position, the General Manager of the Hotel indicated that due to the noise levels, the Hotel had not been able to sell all of its rooms. Mr Montagnier agreed that one bedroom did not have sufficient acoustic insulation and was now being addressed in the other rooms. He indicated that the real concern regarding noise, was not music from the premises but rather it was the noise generated by people outside the premises drinking and smoking and engaging in anti-social behaviour.

In response, the applicant referred to the conditions agreed with the Police which prevent drinks being taken outside the premises after 9pm and limit the number of people permitted to smoke / vape outside the premises after 9pm.

REASON FOR THE DECISION

Taking account of the information provided by the Police and the Council’s Noise Control and Pollution Team, the Sub-Committee’s decision was that it found it appropriate for the promotion of the licensing objectives of the

prevention of crime and disorder and the prevention of public nuisance to grant the application subject to the conditions detailed in Appendix D of the Officer's Report and an additional condition that the applicant should provide the neighbouring properties detailed by the Licensing Section, with a telephone number enabling direct contact to be made with the licence holder at the time of any complaint.

40. ANY OTHER URGENT BUSINESS

There being no further business, the meeting closed at 11:47am.